

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

CRIMINAL NO. 17-134 (WMW/DTS)

Plaintiff,

v.

ORDER

JOHN KELSEY GAMMELL,

Defendant.

A Superseding Indictment was filed in the above matter on November 8, 2017 [Docket No. 46]. The Arraignment Hearing on the Superseding Indictment will be held at the same time as the motions hearing scheduled before the undersigned on **January 3, 2018 at 1:00 p.m.** in Courtroom 9E, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.

IT IS HEREBY ORDERED that:

1. The Government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **November 21, 2017**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the Government is requested to make by **November 21, 2017** all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

2. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **November 28, 2017**. D. Minn. LR 12.1(a)(2).

3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **December 5, 2017.**¹ D. Minn. LR 12.1(c)(1). One courtesy copy of all motions and responses must be delivered directly to the chambers of Magistrate Judge David T. Schultz.²

4. Counsel must electronically file a letter on or before **December 5, 2017** if no motions will be filed and there is no need for a motions hearing.

5. All responses to motions must be filed by **December 19, 2017**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses³ must be filed by **December 19, 2017**. D. Minn. LR 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses⁴ must be filed by **December 22, 2017**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

¹ “Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

² U.S. Mail or hand-deliver to Chambers 9E, U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.

³ “When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(A).

⁴ “If after reviewing a notice under LR 12(c)(3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(B).

- a. The Government makes timely disclosures and defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required, the motions hearing will be heard before Magistrate Judge David T. Schultz on **January 3, 2018 at 1:00 p.m.** in Courtroom 9E, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **If no pretrial motions are filed by Defendant,** the following trial and trial-related dates are: Voir Dire, Jury Instructions and Motions in Limine shall be filed with District Judge Wilhelmina Wright's chambers on or before **January 22, 2018.** Trial will commence before District Judge Wilhelmina Wright at **9:00 a.m. on February 12, 2018** in Courtroom 3B, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

b. **If pretrial motions are filed,** the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact Terianne Bender, Courtroom Deputy for District Judge Wilhelmina M. Wright, at 651-848-1646, to confirm the new trial date.

Dated: November 14, 2017

s/ *David T. Schultz*
DAVID T. SCHULTZ
United States Magistrate Judge